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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/621,292 | 07/17/2003 | Min-Chul San | 8021-160 (SS-18118-US) | 2476 |
| 22150 7590 02/27/2009 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797 | | | | |
| EXAMINER | | | | |
| PHAM, THANH V | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2894 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 02/27/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MIN-CHUL SAN, JA-HUM KU, CHUL-SUNG KIM,
KWAN-JONG ROH, MIN-JOO KIM

Application No. 10/621,292
Technology Center 2800

Mailed: [Date of mailing]

Before DALE M. SHAW *Chief Appeals Administrator*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 13, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed December 18, 2007 under the heading "Grounds of rejection" is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

A review of the Examiner's Answer finds a new Ground(s) of Rejection that has not been provided the required heading "New Grounds of Rejection" and/or which does not include the approval of the TC Director or his/her designee.

Specifically, the Examiner's Answer sets forth a rejection of

Claims 2, 7-8 and 13, 18-19, 22-23, 26 and **29-30** are rejected under 35 U.S.C. 103(A) as being unpatentable over the Doan et al./Takeuchi/Maex et al combination as applied to claims 1, 5,-6 and 12, 16-17, 27-28 and 31 above, and further in view of Catabay et al. US 6,503,840 B2, Jaiswal et al. US 6,664,166 B1 and Hill et al. US 6,775,046 B2.

Whereas the last Office action, including any mailed Advisory

Action(s) finds that claims

Claims 2, 7-8 and 13, 18-19, 22-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Doan et al. with Takeuchi and Maex et al. as applied to claims 1, 5-6 and 12, 16-17 and 27-30 above, and further in view of Catabay et al. US 6,503,840 B2, Jaiswal et al. US 6,664,166 B1 and Hill et al. US 6,775,046 B2.

Correction of all Grounds of rejection for all claims is required.

CONCLUSION

Accordingly, it is **ORDERED**

that the application be returned to the Examiner:

1) to vacate the Examiner's Answer mailed December 18, 2007;

2) to generate a new Examiner's Answer setting forth the correct

Grounds of rejection and to correct other sections of the Answer as may be required;

3) and to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection).

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dpv/dw

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